

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

DARROW FOWLER,

Defendant.

8:10CR283

ORDER

Defendant Darrow Fowler (Fowler) appeared before the court on June 7, 2012, on the Petition for Warrant or Summons for Offender Under Supervision (Petition) (Filing No. 130). Fowler was represented by Bryan C. Meisner and the United States was represented by Assistant U.S. Attorney Douglas R. Semisch. Through his counsel, Fowler waived his right to a probable cause hearing on the Petition pursuant to Fed. R. Crim. P. 32.1(a)(1). I find that the Petition alleges probable cause and that Fowler should be held to answer for a final dispositional hearing before Judge Joseph F. Bataillon.

The government moved for detention. Fowler requested a hearing which was held immediately. Fowler testified as well as Senior U. S. Probation Officer Todd M. Enger. Since it is Fowler's burden under 18 U.S.C. § 3143 to establish by clear and convincing evidence that he is neither a flight risk nor a danger to the community, the court finds Fowler has failed to carry his burden and that Fowler should be detained pending a dispositional hearing before Judge Bataillon.

IT IS ORDERED:

1. A final dispositional hearing will be held before Judge Joseph F. Bataillon in Courtroom No. 3, Third Floor, Roman L. Hruska U.S. Courthouse, 111 South 18th Plaza, Omaha, Nebraska, **at 9:00 a.m. on July 3, 2012.** Defendant must be present in person.
2. Defendant Darrow Fowler is committed to the custody of the Attorney General or his designated representative for confinement in a correctional facility;
3. Defendant shall be afforded a reasonable opportunity for private consultation with defense counsel; and
4. Upon order of a United States court or upon request of an attorney for the government, the person in charge of the corrections facility shall deliver defendant to the United States Marshal for the purpose of an appearance in connection with a court proceeding.

DATED this 7th day of June, 2012.

BY THE COURT:

s/ Thomas D. Thalken
United States Magistrate Judge